

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2043.03  
COMPLAINT INVESTIGATOR: Joe Bear  
DATE OF COMPLAINT: May 27, 2003  
DATE OF REPORT: June 24, 2003  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: July 31, 2003

**COMPLAINT ISSUES:**

Whether the Southwest Dubois County School Corporation and the Dubois-Spencer-Perry Exceptional Children's Cooperative violated:

511 IAC 7-27-9(b) by failing to make available to a student with a disability the variety of educational programs and services that are made available to nondisabled students, specifically regarding field trips.

**FINDINGS OF FACT:**

1. The Student is twelve years old and attends the local middle school ("the School"). The Student has been determined eligible for special education as a student with an emotional disability.
2. The Complainant alleges that three field trips were scheduled for the sixth grade during the 2002-2003 school year, and that she signed a permission form at the beginning of the school year for the Student to participate. Three field trips were listed, without dates, on the letter the Complainant received. The Complainant alleges that no contact was made to the Student about the dates for the first two trips; however, the School states that, although three field trips were listed in the letter the Complainant received, only one field trip occurred. The Complainant provided no information to the contrary.
3. The School's field trip to an amusement park was scheduled for May 9, 2003. The information letter sent to parents on February 19 included these requirements, among others: a student must not receive a Friday school, in-school suspension (ISS), out-of-school suspension (OSS), or expulsion from February 18 through the date of the field trip. In addition, a student must not receive three or more exclusions from class due to academics or behavior during this period. The Complainant agrees that the policy governing participation, as stated in the letter, was clear. The Complainant says that she was notified just two days before the trip, by the TOR and the principal, that the Student might not be able to participate. On the day of the trip, the Complainant discovered that the Student was denied the opportunity to participate.
4. According to the School, three incidents of misbehavior after February 18, 2003, contributed to the School's denying the Student the opportunity to participate: On April 8, the Student was sent to ISS; on April 29, the principal was called to intervene when the Student refused to behave; and on May 5, the Student left the classroom several times without permission. The School was unable to provide documentation of the ISS or other violations; however, the Complainant acknowledges that the Student received an ISS around the time cited by the School. The behavior plan of the Student's IEP states

that the Student will “be subject to common consequences of misbehavior.” The Student’s IEP does not otherwise restrict access to field trips.

**CONCLUSIONS:**

1. Findings of Fact #2, #3, and #4 indicate that the School made the field trip available to the Student, as it did for students without disabilities, and that an ISS on April 8, 2003, made the Student ineligible to participate. Therefore, there is no violation of 511 IAC 7-27-9(b). However, the School is advised that documentation of ISS and OSS for a student with a disability is essential, due to the potential impact of the requirements of 511 IAC Article 7 and the provision of special education services.

**The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.**